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How Soviet Rigidity Defeated Itself in the UN Debate on Hungary, Pages 2 and 3

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Justice Delayed Becomes Justice Denied

As we went to press 24 hours before the showdown in Little Rock, the course of events in the school crisis could most easily be summed up by saying that the white supremacists seemed to be successful in frightening Presidents and little colored girls. Appeasement as well as autumn was in the air of Washington, and one could only predict with assurance that whatever happens in Little Rock the next segregation crisis will be worse. The next crisis will occur when a Southern Governor closes down the schools, not with National Guardsmen on the excuse of preventing violence, but by State law to prevent integration. Across the Potomac, in Virginia, where the most genteel of the South's oligarchies rules, such a crisis has just had a last-minute postponement. The scene was the heavily curtained and dimly lit courtroom on the second floor of old Alexandria's modern new post-office, half-filled with an audience about equally divided between reporters and spectators. The courtroom was, of course, non-segregated but the dozen Negro spectators sat bunched together in one corner. Oliver Hill, a distinguished looking Negro, the first to be elected to the City Council of Richmond since Reconstruction, appeared on behalf of 7 colored children seeking admission among 21,000 white pupils in Arlington county, a semi-Northern enclave on the edge of the South. Though their cause has been litigated up to the Supreme Court and back, Federal Judge Albert V. Bryan granted a stay on his own order for their admission next Monday, so that another round of appeals might begin. This is a form of legalistic perpetual motion which deserves more attention, since slight changes in State law and pleadings may keep these cases in the courts indefinitely. Justice delayed may thus become justice denied.

Secret Talks With Faubus

The Eisenhower Administration has been more closely in touch with events in Arkansas than appears. The Governor telephoned the Attorney General several days before calling out the National Guard to tell Mr. Brownell what he planned and to ask what the Justice Department would do about it. Arthur B. Caldwell, head of the civil rights unit, himself a native of Arkansas, was sent down to Little Rock to talk with the Governor by Mr. Brownell before the troops were called out. Mr. Caldwell was helpful in the Hoxie matter and is regarded as friendly to integration. Just what transpired is a secret, but those who have been closest to the civil rights fight were ready to blame the President personally rather than Mr. Brownell for any appeasement of the Governor and for the Faubus visit with Eisenhower.

Violators of court orders do not usually have the privilege of being received in the highest quarters. It is said in criticism of the President that since his excuse for silence on the school situation was not to interfere with the courts, he should not have interfered by allowing the Governor to confer with him over the head of a Federal Judge the Governor was defying, nor give aid and comfort afterward to the slippery Faubus by saying pompously that one cannot legislate morality. In this remark Mr. Eisenhower was only repeating a favorite Southern chestnut. The answer to it is that while one cannot legislate morality, most of our laws and courts are devoted to punishing immorality. The unspoken emotional premise of remarks like Eisenhower's is that defiance of the Supreme Court on segregation is just a minor peccadillo, and unlike most lawlessness not really immoral. Speaking of morality, Brooks Hays, the mediating Congressman from Little Rock, may best be described as too much of a Christian to be comfortable about segregation but too much of a politician to vote in accordance with his conscience. He voted against the civil rights bill.

Warren Olney's Resignation

A very bad sign on the eve of the Little Rock showdown was the sudden resignation of Warren Olney III as Assistant Attorney General in charge of the criminal division. A first rate lawyer, an idealist and a firm champion of Negro rights, Mr. Olney had long been frustrated in the Department of Justice. His friends had hoped that he would be given the newly created post of Assistant Attorney General in charge of a new Civil Rights division. It was Mr. Olney who had investigated and tried so hard to prosecute the election frauds in Ouachita Parish and other sections of Louisiana. Negro leaders had confidence in him, and the Southern Senators could not have blocked his appointment since he had already been confirmed as an Assistant Attorney General. His resignation creates the fear that the Department is looking for a more compromising character to fill the new post.

Let's You and Him Fight"

The Eisenhower Administration's first reaction to the Faubus defiance was to put out a feeler and see whether the NAACP would carry the ball for it, and intervene in the District Court. This would have been folly since it would have reduced the Faubus affair to a quarrel between the Governor of Arkansas and the NAACP.

A public statement by J. Edgar Hoover on something other than Communism or juvenile delinquency is a great rarity, and his formal statement denying that FBI men would escort Negro children to school in Little Rock provoked considerable amusement. The fact that the FBI were questioning people in Little Rock undoubtedly scared a good many demonstrators, and the fact that FBI men were scaring Southern racists seems in turn to have scared Mr. Hoover.

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Even Poland and Hungary, Though Voting With Moscow, Took A Different View

The Soviet Union Defeated Itself at the UN Special Session on Hungary . . .

United Nations, N. Y.

The special session of the United Nations General Assembly on Hungary was a reluctant and apathetic affair. The huge and modernistic meeting hall, which always seems like a Hollywood setting for an H. G. Wells fantasy, was but sparsely filled most of the time and the debate after a painfully slow start was wound up in a rush early Saturday morning by delegates determined to have their week-ends free.

There was a general feeling that the Hungarian question had degenerated into another inning in the cold war, that the Soviet Union had already been amply condemned, and that further condemnation would serve only to emphasize the impotence of the UN and to make the Russians more obdurate.

In addition the melodramatic airlift of arms to Jordan deflated the issue to pot-and-kettle proportions in the minds of many neutral delegations, since the U. S. was itself visibly if less brutally intervening against a government it did not like in the Middle East. Events in Little Rock, on top of the bloody repressions in Algeria, gave U. S. and Western moral pretensions a sour taste on Asian and African palates.

Moscow, Too, A Santa Claus

Hungary seemed a dead issue and a European issue to Afro-Asian delegates, all of them more interested in matters closer home and none of them anxious to antagonize the Soviet Union now that it, too, is in the business of dispensing foreign aid. Typical is the case of Ceylon, a member of the special 5-nation UN investigating committee on Hungary; it is in the process of asking the Soviet Union (see dispatch from Colombo in the *Times* of London, Sept. 7) for transport, farm and aircraft equipment. Under the circumstances it is not surprising that Ceylon abstained.

The real surprise was the final outcome. The dimensions of the Russian defeat are not to be measured merely by the final vote, which was far bigger than the U. S. delegation expected: 60 in favor of the Hungarian resolution, with 10 abstentions and 10 opposed. The moral dimensions of the defeat are better measured by the fact that none of the abstainers, not a single neutral in the cold war, accepted the Soviet version of what happened in Hungary. Even Poland and Hungary, though they voted with the Soviet bloc against the UN resolution, did not defend Moscow's view.

No Help Needed

The brief remarks of Poland's representative, M. Michalowski, contrasted so strikingly with the speeches of the other Soviet satellite states as to demonstrate again that Poland is in a category all its own. M. Michalowski did not say one word which could be interpreted as justification of the Russian intervention or of Moscow's theory that the Hungarian October was a counter revolutionary uprising fomented from abroad.

Indeed the Gomulka regime could hardly have underwritten the Soviet version without serious repercussions at home. Poland is perhaps the only country in the world for which Hungary is no matter of power politics, but of a kindred suffering. Poland's journalists—notably Marion Bielicki in *Po Prostu* and Viktor Woroszylski in *Nowa Kultura*—long ago gave the Polish public the same picture as the UN report on Hungary, that of a whole people united against an alien and heavy-handed regime.

Aside from a few mealy-mouthed words designed to appease the Russians by implying that the UN report was biased, the position taken by Poland and Yugoslavia was like that of the Asian neutrals rather than of the Soviet satellites. M. Michalowski protested that the UN debate merely "reopens and irritates wounds which had slowly and painfully begun to heal." Both Poland and Yugoslavia insisted that the best way to help Hungary was by bringing about a general improvement in the international climate. The implication was heretical and offensive, since Mr. Sobolev and Mr. Mod had already explained that Hungary no longer needed help. She had already been saved—from Fascism, by the Red Army.

Its Own Worst Enemy

Against the background of neutral distaste and general indifference to what had become a thrice told tale, the Soviet Union would have done better for itself if its tactics had not been so crude. Some readiness to recognize the real grievances behind the uprising, some sign in the three months since the UN published its report of internal amelioration, would have softened up many of the neutrals. Instead there

Gomulka's Debt to Hungary

"Its i.e. [the UN report on Hungary] conclusions correspond not only to the views of the anti-Communist western public on this question but also to the opinions expressed by eminent thinkers, scientists and artists of Europe who have Communist affiliations or pro-Soviet felings. Among these we may refer to Joliot-Curie, Vercors and Pablo Picasso. These people have publicly expressed their complete disagreement with the blood intervention of the Soviet Army. . . . Let us not forget that these very same people have considerably influenced the minds of Russian leaders to get them to respect the Government of Gomulka, which is reestablishing with a wise but a firm will the sovereign characteristics of the Polish State."

—Mr. Quiroga-Galdo (Bolivia), UN Debate on Hungary, Sept. 13.

Burma Expresses the Prevalent Asian-African Point of View

"We remain convinced that what occurred in Hungary was essentially a spontaneous nationalist uprising. . . . We also adhere to the view that this nationalist uprising was suppressed by the armed might of the Soviet Union. . . . We regret therefore that the Soviet Union has not seen her way to withdrawing her troops. . . . [But] we think it would be a great tragedy if the Hungarian question were to become an instrument of the cold war. . . .

"In our view the Algerian question belongs in the same category. . . . In Algeria blood is being shed every day. Why then was no thought given to calling a special session to consider the grave situation in Algeria? . . . It is this employment of a double standard which we of the small countries cannot help but deplore. . . .

"Speaking of double standards, I feel I must refer here to the attitude which the Assembly adopted towards the Kuomintang aggression against my own country. Representatives may recall that my delegation furnished clear evidence that the Kuomintang aggression was master-minded, controlled, directed and supplied by Formosa. Yet the Assembly would not permit of the aggressor's being mentioned by name. With that extreme delicacy which it so often exhibits, the Assembly referred to the Kuomintang troops as 'foreign forces'."

—U Thant (Burma), UN Debate on Hungary, Sept. 12.

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Neutrals Antagonized by the Crude Attacks on the Integrity of the UN Committee

. . . By the Stalinist Rigidity With Which It Pictured the October Uprising

have been savage persecutions of intellectuals and workers. Mr. Sobolev and his faithful echoes spoke in terms so simple-minded as to be incredible. The pre-Twentieth Congress Stalinist mentality in all its wooden rigidity was on display in this black-and-white picture of a counter revolution run by capitalists, landlords and Horthyite Fascists. No Soviet spokesman mentioned the workers of Csepel and no names were cited to support Mr. Mod's claim that Hungarian intellectuals are almost unanimously behind the Kadar regime. Anna Kethly, a sad phantom wistfully haunting the session, was branded a spy. There was no answer to Mr. Lodge's challenge that Budapest explain what had happened to Mr. Kadar's promises after he took power to negotiate the withdrawal of Soviet troops, to permit free elections, to grant the right to strike and to assure freedom for scientists and writers. Molotov may be in Outer Mongolia but his soul went marching on all week in New York.

A Non-Existent Member of Parliament

The Soviet speeches were largely devoted to snippets taken out of context from the Western press. These ranged from the distorted to the imaginary. At one point, for example, the Albanian delegate said a British Member of Parliament, "a Mr. John Bird," told the press on August 30 that a visit to Hungary had strengthened his conviction "that the counter revolution in Hungary was truly a counter-revolution" and that the UN report was false. On returning to Washington we checked this with the British Information Service. It had no record of any member of Parliament named John Bird. (Another curious case of mistaken identity or coincidence which arose during the debate was when Peter Mod, Hungary's delegate, was challenged to say whether he was the same Peter Mod who signed his name to a manifesto issued by a revolutionary committee in the Foreign Ministry in Budapest last October demanding the withdrawal of Russian troops. Mr. Mod refused to say).

The cheap way in which the integrity of the United Nations Committee was attacked also alienated neutral and friendly opinion. Uruguay, the only Latin American member of the UN committee on Hungary, is also the Latin American country which is most truly democratic and independent of the United States. Neither Uruguay nor Ceylon nor Tunisia can be dismissed, as the Soviet bloc tried to dismiss them, as U. S. puppets. Moscow hurt itself by its attack on the committee, and by slanderous aspersions on the Danish member.

On one point there seemed to be general agreement among the neutrals of both Asia and Europe. Mr. Lall of India welcomed the suggestion put forward by Ireland that the best way to help Hungary would be to negotiate mutual withdrawal of American and Russian troops from Europe, with the area to be inspected by a UN unit recruited from neither the NATO nor the Warsaw pact powers. Mr. Aiken, the Irish delegate, declared that in such an agreement lay the opportunity, "perhaps the only opportunity, for the peaceful liberation of Eastern Europe."

The Soviet Truman-Ike Doctrine?

"I should like to quote from the article in Pravda of 23 November 1956. . . .: 'A socialist state could not remain an indifferent observer of the bloody reign of fascist reaction in People's Democratic Hungary. . . . We regard our help to the Hungarian working class in its struggle against the intrigues of counter-revolution as our international duty.'

"This article . . . is disturbing because it allows us to assume—and the speeches of the representatives of the People's Democracies which have been made in these past few days only serve to confirm—that the idea of proletarian solidarity is considered by the Soviet Union to be a positive principle of law, an international duty capable in itself of justifying foreign military intervention.

"Are we therefore to conclude that, whenever the Soviet Union feels that the interests of the working class of any country whatsoever are jeopardized, the possibility of intervention by Soviet troops is not excluded?"

—Mr. Na Champassak (Laos), UN Debate on Hungary.

Wan's Mission A Wan Hope

The question, as Ireland's delegation put it, was "not how strongly we can express our abhorrence of what Russia has done and is doing to crush the oppressed Hungarian people" but "what can be done to help Hungary recover her freedom?" Unfortunately the general impression at the UN, even in Western circles, was that the U. S. was more concerned with winning a cold war propaganda battle with the U. S. S. R. than with helping the Hungarians.

The least the U. S. can do is to keep out of the picture, as Prince Wan of Thailand, the Assembly's respected President, tries to carry out the resolution's mandate "to take such steps as he deems appropriate" on Hungary. This, if the pun can be forgiven, is at the moment a very wan hope.

The Blinkers of Rigid Theory Left Moscow Baffled by the Uprising

"Their [i.e. the Soviet] account of events starts from the assumption that all historical happenings must be viewed as aspects of the Communist conception of Marxism and of the class struggle, illustrating a permanent conflict between 'good' Communist and 'bad' bourgeois elements.

"While it is admitted by the Soviet Union and Mr. Kadar that errors and even 'crimes' may occur in a Communist society, it is regarded as contrary to the destined course of history that such shortcomings could ever be so serious as to call in doubt the superiority of the Communist political structure. It follows that any radical criticism, such as a call for free elections, will be presented as the result, not of a genuine wish for improvement, but of 'bourgeois' efforts to mislead the working masses and reinstate capitalism.

"The Committee . . . found no evidence that either the government of the USSR or that of Mr. Kadar has hitherto published anything in the nature of an objective statement of the facts behind the Hungarian uprising. Various indications, however, have suggested that the Soviet authorities were baffled by the spontaneous uprising of the Hungarian people. . . .

"Thus, the Committee has become aware that participants who were deported to the Soviet Union were closely questioned regarding the causes and nature of the uprising. The phenomenon of a working class movement directed against cherished Communist methods and ideals, and against emblems of the Soviet Union as symbols of those methods, would seem to have caused misgiving, and some of the Hungarians received the impression that their interrogators were not unsympathetic."

—Report of the UN Special Committee on Hungary, Chapter III, "The Uprising As Seen by the USSR and by the Government of Janos Kadar."

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The Informer System Boomerangs in Connecticut and Collapses in Pittsburgh

New Reversals Speed the Decline and Fall of the Smith Act

Readers may recall the front page headline in the *Weekly* last October 15, "Beginning of the End for the Smith Act?" Recent events indicate that we were not too optimistic. Chief Judge Charles E. Clark in the Second Circuit Court of Appeals has just ordered the acquittal of the Connecticut Smith Act defendants; the Pittsburgh cases have been dismissed on motion of the government by the Federal judge preparing to retry them; the Denver convictions have been reversed for retrial by the Court of Appeals.

On October 9 the government will announce whether it is to retry the California convictions reversed by the Supreme Court last June or—as the U. S. Attorney who prosecuted them suggests—dismiss the indictments. The Philadelphia Smith Act defendants will ask—and probably win—reversal of their convictions in the Court of Appeals on October 22. The Supreme Court itself reconvenes October 14 with the Smith Act as its first item of business—the Scales and Lightfoot membership cases are items No. 1 and 2 on its docket. We believe neither membership conviction will stand up, and that we are seeing the last of the Smith Act for some time to come.

Foreshadowed By Judge Hastie

The Act remains constitutional, but the new requirements of proof make it a dead letter, except where it can be shown that defendants actually themselves advocated overthrow of the government under circumstances which made this an incitement to action. People can no longer be sent to jail for something Marx said a century ago. This stricter requirement was foreshadowed by Judge Hastie's dissent in the Pittsburgh Smith Act cases, and sketched out by Mr. Justice Harlan in reversing the California Smith Act convictions. This was the first occasion on which the U. S. Supreme Court actually reviewed the evidence in a Smith Act case; the original Dennis decision was confined to the constitutionality of a peacetime sedition law. Mr. Justice Harlan's standard has been applied —and made less obscure and more forceful—by Judge Clark in the Connecticut cases. Judge Clark said, "The use of lawful speech, an agreement to share abstract revolutionary doctrine, and an agreement to use force against the Government in the future do not add up to a conspiracy presently to use illegal language." Language is illegal only when it incites unlawful action. We are getting back to normalcy in constitutional law.

Item Illustrating the Progress Made by Political Science Since 1912

Washington, Sept. 13—Robert Todd Lincoln, son of Abraham Lincoln, declined to seek the Presidency in 1912 because he believed the office would interfere with his golf game.

—Chicago Tribune, Sept. 16.

These recent cases show that the political informer system is also in decay. Where the informers are scrupulous in their testimony, it boomerangs against the government. Judge Clark placed stress on the fact that the FBI had infiltrated the underground State board of the Communist party in Connecticut but had "observed nothing even mildly incriminating." On the other hand, where the informers are unscrupulous the government runs into trouble. The Pittsburgh cases were remanded by the Supreme Court last term on proof of perjuries by the informer Mazzei. Of the other informer witnesses in the prosecution of Steve Nelson and the other Pittsburgh defendants, Paul Crouch is dead and Matthew Cvetic "unavailable." Both have long been discredited. Where to find replacements for retrial of these cases?

The government had one possibility, an FBI plant in the Pittsburgh branch of the Communist party named Isaac Alexander Wright. He was given his first public try-out before the Subversive Activities Control Board last summer in an effort to make the Committee to Abolish the Sedition Laws register as a Communist front. But a diary kept by Mr. Wright fell into the hands of the defense and its contents were so sexually scabrous that the government dismissed the case rather than risk the public scandal cross-examination would have created. For lack of other witnesses, the government has thrown in the sponge in Pittsburgh, too.

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